

1 Nathan Brinton, Pro Se Plaintiff

2 31606 NE 134th Ct,
3 Battle Ground, WA 98604
4 360-702-7846
natebrinton@gmail.com

5 SUPERIOR COURT FOR THE STATE OF WASHINGTON

6
7 FOR THE COUNTY OF CLARK

8 NATHAN BRINTON,

9 Plaintiff,

10 vs.

11 ONE TECHNOLOGIES, LLC,

12 JOHN DOES 1-10

13 Defendant
14

Case No.:

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

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16 COMES NOW the Plaintiff, Nathan Brinton hereby alleges the following against One
17 Technologies, LLC.

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20 **I. INTRODUCTION**

21 1. This action is brought to recover damages for Defendants' persistent per se violations
22 of Fla. Stat. § 668.603, Cal. Bus. & Prof. Code § 17529.5, and the Washington Consumer
23 Protection Act ("CPA"), RCW 19.86 et seq. Defendants' violations of the Consumer Protection
24 Act are a result of Defendants' violations of the Commercial Electronic Mail Act ("CEMA"),
25 RCW 19.190 et seq.
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II. PARTIES

4. One Technologies, LLC (“One Tech”) is a Defendant in this case. One Tech is a foreign corporation headquartered in Dallas, Texas. One Tech markets and provides credit monitoring products nationwide, including in Washington. One Tech conducts business in Washington by, in part, initiating the transmission, conspiring to initiate the transmission, or assisting in the transmission of bulk commercial emails to Washington residents.

5. John Does 1-10 are Defendants in this case. To the best of Plaintiff's knowledge, One Tech did not send these emails directly. They employed the use of John Does to advertise and transmit the emails to Plaintiff's inbox. Plaintiff intends to conduct discovery to determine the identity of John Does and amend this complaint to include them.

III. JURISDICTION AND VENUE

6. The Legislature has conferred jurisdiction over this action and similar actions to this Court. Jurisdiction is proper under RCW 19.86.090, RCW 19.86.160, and RCW 19.190.090.

7. The violations alleged in this complaint have occurred in whole or in part in Clark County and venue is proper in this Court.

1 8. One Tech is well aware that their emails are directed at Washington residents as they have
2 been sued for these same violations in the state before.

3 4 5 **IV. FACTS**

6 9. From August 2023 through the present Defendants have initiated transmission,
7 conspired to initiate transmission, or assisted in the transmission of unsolicited, unpermitted, or
8 misleading commercial electronic mail messages, otherwise known as “spam” to Plaintiff’s
9 email addresses.

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11 10. The spam email messages Defendants caused to be sent misrepresented or obscured
12 information about the point of origin and transmission path of the spam email. The messages
13 used false or dishonest “from:” lines or obscured information in “from:” lines. The “from:” lines
14 identify the address, person, or organization from which the email originated. Email recipients
15 use the “from:” line to determine the sender of the email. The spam emails received by Plaintiff
16 often used falsified “from:” lines. These falsified “from:” lines indicated the email originated
17 from a nonexistent email address or domain name or otherwise obscured information about the
18 sender. By obscuring the information in the “from:” lines, Defendants made it unreasonably
19 difficult or impossible to discover the actual sender of the spam email. One of the spam messages
20 received by Mr. Brinton, for example, used the “from:” line “Brintonnathan.” Plaintiff did not
21 send this message to himself, and it was not from someone with the same name as him. The
22 message was, instead, a commercial solicitation for One Tech’s services.

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25 11. The spam email messages Defendants caused to be sent used false or misleading
26 information in the subject line. The subject line provides recipients with information about the
27 content or subject of an email message. Email recipients use the subject line to determine the
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1 nature of the message they have received. One of the spam messages Mr. Brinton received, for
2 example, used the subject line “You are on a hot streak! Your October scores just hit an all time
3 high.” Plaintiff is informed and believes that Defendant or its agents sent these emails without
4 any knowledge of whether his score had in fact changed. These subject lines are false or
5 misleading as they purport to have new information about Plaintiff’s credit score, when in fact
6 they are commercial solicitations for One Tech’s services.

8 12. Defendants used third-party domain names without the permission of the third party.
9 Defendants did so in both the header content of spam messages and within the content of spam
10 messages. For example, many of the emails use storage.googleapis.com as the main call to
11 action link. It is against Google’s terms of service to use their APIs to promote “disruptive
12 commercial messages or advertisements.”

14 13. Defendants’ actions caused spam emails to be sent to email addresses belonging to
15 Mr. Brinton, a Washington resident. Mr. Brinton contacted the Defendants informing them of his
16 residency and the unwanted emails he had received. Defendants ignored these messages and
17 continued to cause spam email messages to be sent to Mr. Brinton.

19 14. Defendants’ emails originated from several different servers in Florida, California,
20 and Texas among others.

22 **V. LEGAL ALLEGATIONS**

24 **COUNT ONE**

26 **VIOLATION OF CONSUMER PROTECTION ACT, RCW 19.86 et seq.**

28 15. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs
9 through 14.

1 16. Defendants violated the Commercial Electronic Mail Act, RCW 19.190 et seq., by
2 initiating the transmission, conspiring to initiate the transmission, or assisting in the transmission
3 of commercial electronic mail messages which misrepresented or obscured information
4 identifying the point of origin of those messages.

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6 17. Defendants violated the Commercial Electronic Mail Act, RCW 19.190 et seq., by
7 using third-party domain names within the header information of spam emails and within the
8 content of spam emails.

9
10 18. Defendants violated the Commercial Electronic Mail Act, RCW 19.190 et seq., by
11 initiating the transmission, conspiring to initiate the transmission, or assisting in the transmission
12 of commercial electronic mail messages with false or misleading information in the subject line.

13 19. Violations of the Commercial Electronic Mail Act, RCW 19.190 et seq., are
14 violations of the Consumer Protection Act, RCW 19.86 et seq. 20. Violations of the Commercial
15 Electronic Mail Act, RCW 19.190 et seq., are per se unfair and deceptive acts for purposes of
16 Consumer Protection Act claims.

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18 21. Defendants' commercial solicitations occurred in trade or commerce.

19 22. Violations of the Commercial Electronic Mail Act, RCW 19.190 et seq., are per se
20 matters vitally affecting the public interest for purposes of Consumer Protection Act claims.

21 23. Violations of the Commercial Electronic Mail Act, RCW 19.190 et seq, establish the
22 injury element of a Consumer Protection Act claim as a matter of law.

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24 24. Violations of the Commercial Electronic Mail Act, RCW 19.190 et seq, establish the
25 causation element of a Consumer Protection Act claim as a matter of law.

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28 **COUNT TWO**

1 25. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs
2 9 through 14.

3 26. Defendants violated Cal. Bus. & Prof. Code § 17529.5 for every email that originated
4 from a server in California.

5 27. Defendants violated Cal. Bus. & Prof. Code § 17529.5(a)(1), by using third-party
6 domain names within the header information of spam emails and within the content of spam
7 emails.

8 28. Defendants violated the Cal. Bus. & Prof. Code § 17529.5(a)(2), by initiating the
9 transmission, conspiring to initiate the transmission, or assisting in the transmission of
10 commercial electronic mail messages which misrepresented or obscured information identifying
11 the point of origin of those messages.

12 29. Defendants violated Cal. Bus. & Prof. Code § 17529.5(a)(3), by initiating the
13 transmission, conspiring to initiate the transmission, or assisting in the transmission of
14 commercial electronic mail messages with false or misleading information in the subject line.

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19 **COUNT THREE**

20 30. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs
21 9 through 14.

22 31. Defendants violated Fla. Stat. § 668.603 for every email that originated from a server
23 in Florida.

24 32. Defendants violated Fla. Stat. § 668.603(1)(a), by using third-party domain names
25 within the header information of spam emails and within the content of spam emails.

1 33. Defendants violated the Fla. Stat. § 668.603(1)(b), by initiating the transmission,
2 conspiring to initiate the transmission, or assisting in the transmission of commercial electronic
3 mail messages that misrepresented or obscured information identifying the point of origin of
4 those messages.

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6 34. Defendants violated Fla. Stat. § 668.603(1)(c), by initiating the transmission,
7 conspiring to initiate the transmission, or assisting in the transmission of commercial electronic
8 mail messages with false or misleading information in the subject line.

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11 **VI. DAMAGES AND PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

13 35. For judgment against the Defendants on all counts;

14 36. That the Court adjudge that each individual commercial electronic message
15 Defendants caused to be sent was a separate and distinct violation of the Commercial Electronic
16 Mail Act, RCW 19.190 et seq.;

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18 37. For statutory liquidated damages as provided by RCW 19.190.040;

19 38. For treble damages as permitted by RCW 19.86.090;

20 39. For civil penalties under RCW 19.86.140;

21 40. For a permanent injunction, under RCW 19.86.090, prohibiting future and continuing
22 violations of the Commercial Electronic Mail Act, RCW 19.190 et seq., by Defendants;

23 42. For statutory liquidated damages as provided by Cal. Bus. & Prof. Code §
24 17529.5(a)(3)(B)(ii)

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26 41. For a permanent injunction as provided by Fla. Stat. § 668.606 to enjoin future
27 violations of Fla. Stat. § 668.603 by Defendants.

1 41. For statutory liquidated damages as provided by Fla. Stat. § 668.606(3)(b)

2 43. For an award of attorney fees and other costs incurred during this action and/or to the
3 fullest extent allowed by law or equity;

4 44. For prejudgment and post-judgment interests to the maximum allowable rate; and

5 45. For such other relief as this Court deems just and equitable.
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12 Dated October 14th, 2023.

DocuSigned by:

Nathan Brinton

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(TV) 17 OCT 2023

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Case No.:

SUMMONS (60 DAYS)

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16 TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court
17 by Nathan Brinton, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which
18 is served upon you with this summons.
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20 In order to defend against this lawsuit, you must respond to the complaint by stating your
21 defense in writing, and by serving a copy upon the person signing this summons within 60 days
22 after the service of this summons, excluding the day of service, or a default judgment may be
23 entered against you without notice. A default judgment is one where plaintiff is entitled to what
24 she or he asks for because you have not responded. If you serve a notice of appearance on the
25 undersigned person, you are entitled to notice before a default judgment may be entered.
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27 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand
28 must be in writing and must be served upon the person signing this summons. Within 14 days

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1 after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on
2 you of this summons and complaint will be void.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
4 that your written response, if any, may be served on time.

5 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of
6 Washington.
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14 Dated October 13th, 2023.

15 DocuSigned by:

16 *Nathan Brinton*

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